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Lauri Sodcrbacka

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EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT

PAPER NUMBER

2618

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/510,323	SODERBACKA ET AL.	
	Examiner	Art Unit	
	Bobbak Safaipoor	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/7/2004, 11/3/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements submitted on 10/4/2004 and 11/3/2004 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-2, 5, 9, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's own submission of prior art (pages 1-7 under Background of the Invention)** in view of **Ahmavaara et al (US Patent Application Publication #2003/0169725 A1)**.

Consider **claim 1**, Applicant's own submission of prior art disclose a method for enabling a content provider initiated delivery of a content clip to a mobile terminal (4) via a communication network (page 1, 1st paragraph under Background of the Invention; To Enable a content provider to deliver content to a mobile terminal via a communication network. The content provider produces and provides a content) which communication network comprises radio access networks (1,2) of at least two different types, and which content clip provided by said content provider (3) is required to be delivered to said mobile terminal (4) via a radio access network of a specific one of said at least two types, said method comprising (page 2, 4th paragraph under Background of the Invention; The communication network which is made use

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of for delivering the content may comprise different types of radio access networks for enabling an access of mobile terminals):

determining said type of radio access network (2) required for delivering said content clip based on an indication associated to said content clip and determining the type of radio access network (1) via which said mobile terminal (4) currently accesses said communication network (page 2, 4th and 5th paragraphs under Background of the Invention; The communication network which is made use of for delivering the content may comprise different types of radio access networks for enabling an access of mobile terminals. Such different types of radio access networks provided by a single communication network can be e.g. a 3G (3rd generation) radio access network and a 2G (2nd generation) radio access network, or within a 3G system an UTRAN (universal mobile telecommunication services terrestrial radio access network) employing WCDMA (wideband code division multiple access) and a GSM (global system for mobile communications) radio access network. Further, mobile terminals have been proposed that are able to access a communication network via different types of radio access networks and thus via different radio access technologies (RAT). Such mobile terminals are referred to as multi-mode terminals. One example for a multi-mode terminal is a 2G/3G dual-mode terminal.);

Applicant's own submission of prior art fails to disclose in case said mobile terminal (4) accesses said communication network currently via a radio access network (1) of a different type than required for delivering said content clip, triggering a handover of said mobile terminal (4) to a radio access network (2) of said type required for delivering said content clip; and delivering said content clip to said mobile terminal (4) via said radio access network (2) of said type required for delivering said content clip.

However, Ahmavaara et al, show and disclose as known in the art connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Ahmavaara et al into the system of Applicant's own submission of prior art in order to provide the mobility for user equipment with an active connection.

Consider **claim 2**, and as applied to **claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose said content clip provided by said content provider (3) is included in a multimedia message (page 2, 3rd paragraph under Background of the Invention.).

Consider **claim 5**, and as applied to **claim 1 above**, Applicant's own submission of prior art disclose the claimed invention except for wherein an indication of the type of radio access network (2) required for delivering said content clip is separately fetched from a network entity or extrapolated from the content clip.

However, Ahmavaara et al as known in the art disclose that if the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Ahmavaara et al into the system of Applicant's own submission of prior art in order to provide the mobility for user equipment with an active connection.

Consider **claim 9**, and **as applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose wherein said type of the radio access network (1) to which said mobile terminal (4) is currently connected is determined based on an available, stored information about the current connection of said mobile terminal (4) (Applicant's own submission of prior art: page 2, 3rd paragraph under Background of the Invention; In a provider initiated delivery of a content, a content clip can be delivered to a mobile terminal more or less automatically as soon as the clip becomes available, e.g. as part of a multimedia message. An automatic delivery of content clips has to be supported by the mobile terminal to which it is directed. Further, it typically requires that the user of the mobile terminal has subscribed beforehand to a service providing these content clips. It is possible to enable a user to order a content directly from the respective content provider or via a service provider.).

Consider **claim 14**, and **as applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose in case of a triggered handover of a mobile terminal (4) accessing said communication network via a different type of radio access network (1) than required for delivering said content clip, said content clip is delivered to said mobile terminal (4) upon a notification that said triggered handover has been completed (Ahmavaara et al: paragraphs 1 and 8: Connections in a communications system handover of connections from a node of the system to another node of the system. The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as

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the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies).

Consider **claim 15**, and as **applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose at least one of said radio access networks of said communication network is a third generation (3G) radio access network (1), and wherein at least one other of said radio access networks of said communication network is a second generation (2G) radio access network (page 4, 4th paragraph under Background of the Invention; Such different types of radio access networks provided by a single communication network can be e.g. a 3G (3rd generation) radio access network and a 2G (2nd generation) radio access network, or within a 3G system an UTRAN (universal mobile telecommunication services terrestrial radio access network) employing WCDMA (wideband code division multiple access) and a GSM (global system for mobile communications) radio access network. Further, mobile terminals have been proposed that are able to access a communication network via different types of radio access networks and thus via different radio access technologies (RAT). Such mobile terminals are referred to as multi-mode terminals. One example for a multi-mode terminal is a 2G/3G dual-mode terminal.).

5. **Claims 3-4, 6-8, 16-17, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's own submission of prior art (pages 1-7 under Background of the Invention)** in view of Ahmavaara et al (US Patent Application Publication #2003/0169725 A1) and in further view of Sato (US Patent Application Publication #2003/0022624 A1).

Consider **claim 3**, and **as applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose an indication of the type of radio access network (2) required for delivering said content clip (Ahmavaara et al: paragraph 8; If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies) except for is provided by said content provider (3) together with said content clip.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030 (paragraphs 98-100).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to provide high quality multimedia messages.

Consider **claim 4**, and **as applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose the claimed invention except for wherein all content clips provided by a specific content provider (3) are required to be delivered via a specific type of radio access network (2), and wherein said indication associated to said content clip is given by an identification of the origin of said content clip.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded

music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information (paragraphs 98-101).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to provide high quality multimedia messages.

Consider **claim 6**, and as applied to **claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose the claimed invention except for wherein said content clip provided by said content provider (3) is stored in a database until said mobile terminal (4) to which said content clip is to be delivered is known to access said communication network via a radio access network (2) of said type required for delivering said content clip.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information. The contents server 1030 reads out music data from the contents DB 1010 in accordance with a program (program table) which an individual has set, transmits the music contents under encoded conditions to the transmitting station 20, and transmits the encoding keys to the base station 40 via lines of terrestrial system. (paragraphs 98-102).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to provide high quality multimedia messages.

Consider **claim 7**, and **as applied to claim 1 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose a handover of said mobile terminal (4) to a radio access network of a type required for a delivery of said content clip is only triggered upon a request by said mobile terminal (4) to deliver said content clip, and wherein said content clip is only delivered to said mobile terminal (4) upon a request by said mobile terminal (4) to deliver said content clip (paragraphs 1 and 8; Connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies).

Applicant's own submission of prior art, as modified by Ahmavaara et al, fail to disclose transmitting a notification to said mobile terminal (4), which notification indicates that said mobile terminal (4) may request a delivery of said provided content clip.

However, Sato disclose as known in the art in reply to an inquiry from the base station 40 designating a user, the contents server 1030 notifies the base station 40 of data showing whether or not the user is a registered member (paragraph 102).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to assure the credibility of the user.

Consider **claim 8**, and **as applied to one of the proceeding claims above**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose a handover is only triggered in case said subscriber is determined to be a subscriber which is able to access to said communication network via at least two different types of radio access networks (Ahmavaara et al: paragraphs 1 and 8; Connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies.) (Applicant's own submission of prior art: 5th paragraph under Background of the Invention Mobile terminals have been proposed that are able to access a communication network via different types of radio access networks and thus via different radio access technologies (RAT). Such mobile terminals are referred to as multi-mode terminals. One example for a multi-mode terminal is a 2G/3G dual-mode terminal.)

Applicant's own submission of prior art, as modified by Ahmavaara et al, fail to disclose an identification of a subscriber using said mobile terminal (4) to which said content clip is to be delivered is compared with a stored list of identifications of mobile subscribers allowed to access said communication network via at least two different types of radio access networks (1,2).

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information. The contents server 1030 reads out music data from the contents DB 1010 in accordance with a program (program table) which an individual has set, transmits the music contents under encoded conditions to the transmitting station 20, and transmits the encoding keys to the base station 40 via lines of terrestrial system. However, Sato disclose as known in the art in reply to an inquiry from the base station 40 designating a user, the contents server 1030 notifies the base station 40 of data showing whether or not the user is a registered member (paragraphs 98-102).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to assure the credibility of the user.

Consider **claim 16**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose a communication system comprising a communication network with radio access networks (1,2) of a first type and of a second type (GGSN,3G-SGSN,2G-SGSN,RNC,BSC) (page 4, 4th paragraph under Background of the Invention;Such different types of radio access networks provided by a single communication network can be e.g. a 3G (3rd generation) radio access network and a 2G (2nd generation) radio access network, or within a 3G system an

UTRAN (universal mobile telecommunication services terrestrial radio access network) employing WCDMA (wideband code division multiple access) and a GSM (global system for mobile communications) radio access network. Further, mobile terminals have been proposed that are able to access a communication network via different types of radio access networks and thus via different radio access technologies (RAT). Such mobile terminals are referred to as multi-mode terminals. One example for a multi-mode terminal is a 2G/3G dual-mode terminal.).

Applicant's own submission of prior art fails to disclose performing an intersystem handover of a mobile terminal from a radio access network (1) of a first type to a radio access network (2) of a second type, said communication system further comprising at least one mobile terminal (4) with means for accessing said communication network via a radio access network (1) of said first type and a radio access network (2) of said second type.

However, Ahmavaara et al, show and disclose as known in the art connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Ahmavaara et al into the system of Applicant's own submission of prior art in order to provide the mobility for user equipment with an active connection.

Applicant's own submission of prior art, in view of Ahmavaara et al, disclose the claimed invention except for a communication system further comprising an arrangement of at least one

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element (5) for connecting a content server (3) to said communication network, which content server (3) provides upon the initiation of a content provider content clips that are to be delivered to a mobile terminal (4) over said communication network via a radio access network (2) of said second type, which arrangement (5) comprises means for carrying out the steps of the method according to one of the preceding claims.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information. The contents server 1030 reads out music data from the contents DB 1010 in accordance with a program (program table) which an individual has set, transmits the music contents under encoded conditions to the transmitting station 20, and transmits the encoding keys to the base station 40 via lines of terrestrial system. However, Sato disclose as known in the art in reply to an inquiry from the base station 40 designating a user, the contents server 1030 notifies the base station 40 of data showing whether or not the user is a registered member (paragraphs 98-102).

Therefore, it would have been obvious to one of ordinary skill in art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order in order to provide high quality multimedia messages.

Consider **claim 17**, and as **applied to one of claims 1 to 15**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose the claimed invention except for an arrangement of at least one element (5) for connecting a content server (3) with a communication network, said arrangement (5) comprising means for receiving content clips from said content server (3), which content clips are to be delivered upon initiation of a content provider to a mobile terminal (4) attached to said communication network via a specific type of radio access network (2), and said arrangement (5) further comprising means for performing the steps of the method according to one of claims 1 to 15.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information. The contents server 1030 reads out music data from the contents DB 1010 in accordance with a program (program table) which an individual has set, transmits the music contents under encoded conditions to the transmitting station 20, and transmits the encoding keys to the base station 40 via lines of terrestrial system. However, Sato disclose as known in the art in reply to an inquiry from the base station 40 designating a user, the contents server 1030 notifies the base station 40 of data showing whether or not the user is a registered member (paragraphs 98-102).

Therefore, it would have been obvious to one of ordinary skill in art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order in order to provide high quality multimedia messages.

Consider **claim 21**, Applicant's own submission of prior art, as modified by Ahmavaara et al, disclose a communication network comprising radio access networks of at least two different types (GGSN,3G-SGSN,2G-SGSN,RNC,BSC) (page 4, 4th paragraph under Background of the Invention; Such different types of radio access networks provided by a single communication network can be e.g. a 3G (3rd generation) radio access network and a 2G (2nd generation) radio access network, or within a 3G system an UTRAN (universal mobile telecommunication services terrestrial radio access network) employing WCDMA (wideband code division multiple access) and a GSM (global system for mobile communications) radio access network. Further, mobile terminals have been proposed that are able to access a communication network via different types of radio access networks and thus via different radio access technologies (RAT). Such mobile terminals are referred to as multi-mode terminals. One example for a multi-mode terminal is a 2G/3G dual-mode terminal.).

Applicant's own submission of prior art fails to disclose performing an intersystem handover of a mobile terminal (4) accessing said communication network via a radio access network (1) of a first type to a radio access network (2) of a second type.

However, Ahmavaara et al, show and disclose as known in the art connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then

handover needs to be accomplished between communication systems that are based on different communication technologies (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Ahmavaara et al into the system of Applicant's own submission of prior art in order to provide the mobility for user equipment with an active connection.

Applicant's own submission of prior art, in view of Ahmavaara et al, disclose the claimed invention except for an arrangement of at least one element (5) connecting said communication network to a content server (3), which information indicates that an intersystem handover is required for a delivery of content clip initiated by a content provider.

However, Sato disclose as known in the art a content provider 10 that comprises contents DB (adata base) 1010 in which a number of digital contents are accumulated, registered number DB 1020 which stores information on registered users, and contents server 1030. The contents DB 1010 stores distinguishing code (ID) of a musical piece, title of a musical piece, encoded music data and encoding keys. The registered member DB 1020 stores members' information such as distinguishing numbers (ID), names, addresses, etc., apparatus ID of equipment which members possess, and charging information. The contents server 1030 reads out music data from the contents DB 1010 in accordance with a program (program table) which an individual has set, transmits the music contents under encoded conditions to the transmitting station 20, and transmits the encoding keys to the base station 40 via lines of terrestrial system. However, Sato disclose as known in the art in reply to an inquiry from the base station 40 designating a user, the contents server 1030 notifies the base station 40 of data showing whether or not the user is a registered member (paragraphs 98-102).

Therefore, it would have been obvious to one of ordinary skill in art to incorporate the teachings of Sato into the systems of Applicant's own submission of prior art and Ahmavaara et al in order in order to provide high quality multimedia messages.

6. **Claims 10-12, 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's own submission of prior art (pages 1-7 under Background of the Invention)** in view of Ahmavaara et al (US Patent Application Publication #2003/0169725 A1) and in further view of Mostafa (WO 02/11398 A1).

Consider **claim 10**, and as **applied to claim 1** above, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose the claimed invention except for said content clip is provided by said content provider (3) to a multimedia messaging service (MMS) relay and/or server (5) connected to said communication network, which MMS relay and/or server (5) triggers said handover of said mobile terminal (4) if required.

However, Mostafa discloses as known in the art a communication system that comprises a sender, an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al in order to enhance the functionality of the media content to be transmitted.

Consider **claim 11**, and as **applied to claim 10** above, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose whether a handover is required (Ahmavaara et al: paragraphs 1 and 8; Connections in a communications system handover of connections from a

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node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies), but fail to disclose the MMS relay and/or server determines whether a handover is required.

However, Mostafa discloses as known in the art comprises an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al to have the MMS server determine whether a handover is required to provide the mobility for user equipment with an active connection.

Consider **claim 12**, and as **applied to claim 10 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose whether a handover is required (Ahmavaara et al: paragraphs 1 and 8; Connections in a communications system handover of connections from a node of the system to another node of the system (paragraph 1). The handover should also be possible between two nodes that belong to different networks. If the new cell is not served by a similar system as the previous cell, then handover needs to be accomplished between communication systems that are based on different communication technologies), but fail to disclose a unit connected to the MMS relay and/or server determines whether a handover is required.

However, Mostafa discloses as known in the art comprises an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al to have the MMS server determine whether a handover is required to provide the mobility for user equipment with an active connection.

Consider **claim 18**, and as **applied to claim 17 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose the claimed invention except for a multimedia messaging service (MMS) relay and/or server (5) for receiving said content clips from said content server and for triggering a handover of a mobile terminal (4) in said communication network.

However, Mostafa discloses as known in the art comprises an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al to have the MMS server determine whether a handover is required to provide the mobility for user equipment with an active connection.

Consider **claim 19**, and as **applied to claim 18 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose the claimed invention except for storage

means connected to said MMS relay and/or server (5) for storing information based on which a handover is determined.

However, Mostafa discloses as known in the art comprises an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24). The media server starts storing the media content in a predetermined location (page 15, lines 3-6).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al to have the MMS server determine whether a handover is required to provide the mobility for user equipment with an active connection.

Consider **claim 20**, and as **applied to either claims 18 or 19 above**, Applicant's own submission of prior art, as modified by Ahmavaara et al disclose the claimed invention except for processing means connected to said MMS relay and/or server (5) for determining the necessity of a handover.

However, Mostafa discloses as known in the art comprises an MMS Centre (MMSC) having a media server and an MMS server, and a receiver. The MMSC can also be referred to as a communication server (figure 2; page 14, lines 20-24). The media server starts storing the media content in a predetermined location (page 15, lines 3-6). In phase 2 (read as processing means), the sender sends a notification via the MMS server to the receiver about the media content being stored. The notification includes presentation description information required to establish another streaming session between the receiver and the media server (figure 2; page 15, lines 8-16).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mostafa into the systems of Applicant's own submission of prior art and Ahmavaara et al to have the MMS server determine whether a handover is required to provide the mobility for user equipment with an active connection.

7. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's own submission of prior art (pages 1-7 under Background of the Invention)** in view of **Ahmavaara et al (US Patent Application Publication #2003/0169725 A1)**, in view of **Mostafa (WO 02/11398 A1)**, and in further view of **Haumont et al (US Patent Application Publication #2002/0032032 A1)**.

Consider **claim 13**, and as applied to **claim 10** above, Applicant's own submission of prior art, as modified by Ahmavaara et al and Mostafa, disclose the claimed invention except for in case of a triggered handover of a mobile terminal (4) accessing said communication network via a different type of radio access network (1) than required for delivering said content clip, said content clip is delivered to said mobile terminal (4) upon a notification that said triggered handover has been completed.

However, Haumont et al disclose as known in the art cell selection in a radio network wherein the mobile station informs the base station to select a more appropriate mode of operation. In network-controlled cell reselection, the base station has to be able to change a mobile station to a different cell (paragraph 88).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Haumont et al into the system of Applicant's own submission of prior art, Ahmavaara et al, and Mostafa in order to provide the mobility for user equipment with an active connection.

Conclusion

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
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Hand-delivered responses should be brought to

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Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipoor
B.S./bs

November 13, 2006

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